

REMARKS

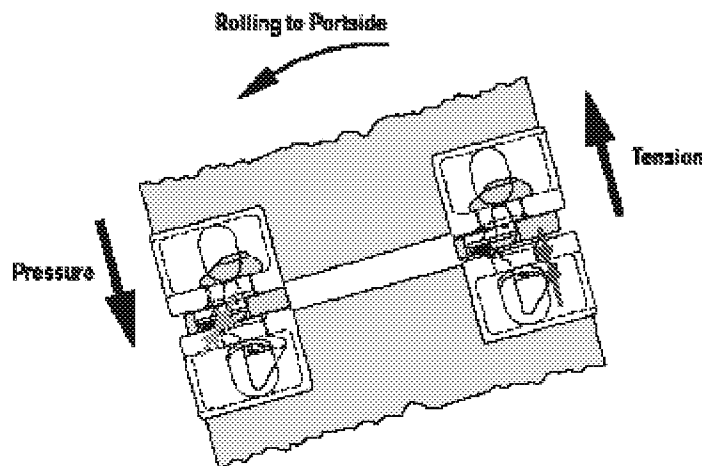
Claims 1 through 8 and 17 through 25 are in the application and are presented for consideration. Claims 17 through 25 have been allowed. Additionally, claims 12 through 16 have been canceled to reduce issues presented. Claim 1 has been amended to define the orientation of the features of the coupling piece based on the environment of use. Further, functional aspects of the coupling piece are now set forth in claim 1 in relation to the environment of use. Favorable consideration of amended claims 1 through 8 is requested.

Claims 1 – 8 have been rejected under 35 U.S.C. section 102 (b) as being anticipated by Nitsche et al. (U.S. 5,560,088). The rejection is based on the position that Nitsche et al. teaches each of the features claimed.

An important feature of the invention, which is different from Nitsche et al. is the orientation of the locking catch of the second coupling projection relative to the container, and in particular the elongated opening of the corner fitting (see Figure 8). Claim 1, presented by this amendment, includes a more particularly defined orientation of the second coupling projection. This orientation is defined based on the orientation of the coupling projection to the corner fitting of the container, namely the environment of the claimed coupling piece. Although claims 1 – 8 are directed to the coupling piece itself, defining aspects of the invention based on the environment is appropriate and presents a claim that is definite.

The invention provides an effect that, due to rolling movement of the ship on that longitudinal side of the container which is under a force of pressure the chamfer 52 (Fig. 15) or lead in chamfer 30 (Fig. 1,2) of the coupling piece is pressed against the chamfer 32 of the

corner fitting (indicated by green arrows in the below sketch). This prevents horizontal movement of the upper container. Thanks to this effect the locking catch 28 of the coupling piece which is on the longitudinal side of the container being under a tensile (lifting) force engages positively with the corner fitting of the lower container(indicated by red arrows in the below sketch). Further information is provided in the attached document Fully Automatic Twistlocks as to the function of the coupling piece of the invention (page 5). This also indicates that the corner fitting environment of the coupling piece.



The environment of such a coupling piece is itself essentially fixed or established, namely the corner fitting is used with containers that have corner fittings that comply with international standard: ISO 1161. Although claim 1 is not directed to the combination of the coupling piece, and container with corner fitting, the claimed coupling piece has structural and functional aspects that are provided specifically for orientation and interaction with a corner fitting complying with the ISO standard. Making reference to such corner fitting, in defining

the coupling piece, particularly with regard to the structural orientation of the coupling piece, defines structure which is neither taught or suggested by the prior art.

Nietzsche et al. discloses a semiautomatic system in which containers are secured at corner fittings of one side of the containers via a twist lock. On the other side a so-called midlock 26 is used. The rejection is based on the position that the coupling piece 26 has coupling projections on each side of a stop plate with the second coupling projection (32) having a locking catch with a sloping shoulder. However, the second coupling projection (32) having a locking catch is oriented in a longitudinal direction of the container and along the longitudinal direction of the opening of the corner fitting.

Amended claim 1 particularly specifies the orientation of the second coupling projection with locking catch having a sloping shoulder. This locking catch has an orientation, when viewed in the longitudinal direction of the containers (or viewed in the longitudinal orientation of the corner fitting opening) that is arranged laterally on said second coupling projection. The corner fittings are standard, based on ISO 1161, as noted. The structure with the sated orientation is a significant departure from the teachings of Nietzsche et al. It is Applicant's position that the claims define structure which is not anticipated by Nietzsche et al.

NITSCHKE et al. discloses a semi-automatic system which also relies on positive engagement locking. The containers shown in NITSCHKE et al. are secured at the corner fitting of one side of the containers via a semi-automatic twistlock while on the other side a so called mid-lock 26 has been used. Again, the twist locks lock automatically when the container is

loaded but must be opened manually via a handle 15 when the container is to be unloaded (column 6, lines 52 through 61). Mid-locks, such as the mid-lock 26, lock and unlock fully automatically. However, such mid-locks can be used only at one end of the container while on the other end semi-automatic twist locks have to be used. In other words: mid-locks only can function as a pair together cooperating with a pair of semi-automatic or fully manually twist-locks. As a result, the system shown by NITSCHKE et al. still is a semiautomatic system. Mid-locks are used whenever two containers of 20 feet length are stored behind one another on a storage place for containers of 40 feet length. The reason is that the gap between the two 20-feet-containers is too small for the operator (stevedore) to get access to the lashing material for opening the same.

Based on the clarifying text, which indicates the orientation of the second coupling projection, and into the prior art not teaching or suggest being such an orientation, it is requested that the amended claim be favorably considered. It is Applicant's position that the claims as presented patentably define over the prior art as a whole.

Claim 1 has also been rejected under 35 USC section 103(a) as being obvious based on the teachings of TAKAGUCHI. (US 4, 564, 984) in view of NITSCHKE et al. The rejection is based on the position that it would have been obvious to provide the coupling piece of TAKAGUCHI with the lead in channel for of NITSCHKE et al.

Applicant requests reconsideration of the obviousness rejection in view of the amended claims. In particular, claim 1 now sets forth the orientation of the second coupling projection, with particular detail. Each of the references cited basically presents an orientation which is

different from that claimed. Further, the device disclosed in the TAKAGUCHI reference is a requires a twisting or moving of the latch structure. As such, combining features from the two references involves combining very different technical concepts. At the very least, the skill of a designer would be required and this would not necessarily involve a selection of features or elements as proposed in the rejection. The prior art does not establish a prima facie case of obviousness. Accordingly, reconsideration of the rejection is requested.

The Examiners requested to reconsider the rejections and favorably consider the claims as now presented.

Further and favorable action on the merits is requested.

Respectfully submitted
for Applicant,



By: _____
John James McGlew
Registration No. 31,903
McGLEW AND TUTTLE, P.C.

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Attached: FULLY AUTOMATIC TWISTLOCKS document showing
operation and environment of claimed coupling piece

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE
IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-
0410.

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McGLEW AND TUTTLE, P.C.
BOX 9227 SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-9227
TELEPHONE: (914) 941-5600
FACSIMILE: (914) 941-5855